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DECEMBER 12, 2013

TIM DEFOGGI #11078
387 N. CAPESTRAUT ST
WATKINS, NE 68066

RECEIVED

DEC 17 2013

THOMAS D. THALKEN
U.S. MAGISTRATE JUDGE

HONORABLE THOMAS D. THALKEN
US DISTRICT COURT OF NEBRASKA
111 S. 18TH PLAZA, SUITE 1152
OMAHA, NE 68102

RE: USA -VS- TIMOTHY DEFOGGI, 8:13CR105

DEAR JUDGE THALKEN,

WHILE I AWAIT THE SCHEDULING OF A 17.1
PRETRIAL CONFERENCE WHICH WAS REQUESTED
OF THE COURT ON NOVEMBER 6, 2013, I
WANTED TO MAKE YOU AWARE OF SERIOUS
ONGOING ISSUES THAT ARE ADVERSELY
AFFECTING MY ABILITY TO OBTAIN ADEQUATE
LEGAL REPRESENTATION FROM MY ATTORNEY,
JAMES MARTIN DAVIS. IT IS BELIEVED THAT
THESE ISSUES MAY ULTIMATELY AFFECT MY
ABILITY TO RECEIVE A FAIR AND IMPARTIAL
TRIAL. SPECIFICALLY, I HAVE THE FOLLOWING

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CONCERNS; IN PART:

1) IN A LETTER TO MY ATTORNEY DATED DECEMBER 11, 2013, IT WAS NOTED THAT HIS OFFICE HAD RECENTLY REJECTED 38 OF MY PHONE CALLS AND HAD ALSO FAILED TO REPLY TO 3 SEPERATE WRITTEN STATUS INQUIRIES.

2) ON NOVEMBER 19, 2013, I SPOKE TO MR. DAVIS ON A RECORDED PHONE LINE FROM SAUNDERS COUNTY CORRECTIONS (SCC). DURING THE CALL MR. DAVIS BECAME VERBALLY ABUSIVE WHILE DISCUSSING MY REFUSAL TO WAIVE SPEEDY TRIAL RIGHTS. HE STATED, "YOU NEED TO GET YOUR HEAD OUT OF YOUR ASS", REFERENCED THE SPEEDY TRIAL ACT AS MEANINGLESS; AND STATED THAT THE SPEEDY TRIAL AFFIDAVIT DID NOT WAIVE MY RIGHTS EVEN THOUGH SECTION 4 STATED IN PART, "HE WAIVES HIS RIGHT TO A SPEEDY TRIAL PURSUANT TO...", HE WENT ON TO SAY, "YOU THINK YOU ARE SO FUCKING SMART" AND "I DON'T HAVE TIME TO TEACH YOU HOW TO BE AN ATTORNEY". THE ABOVE QUOTES ARE TO THE BEST OF MY RECOLLECTION.

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3) ON NOVEMBER 6, 2013, I SPOKE TO TOM OF MR. DAVIS' OFFICE ON A RECORDED SEC PHONE LINE. DURING THE CONVERSATION, TOM STATED THAT THE COURT WILL NOT ACCEPT MY WRITTEN COMMUNICATIONS AND HAS FORWARDED THEM UNOPENED AND UNREAD TO MR. DAVIS' OFFICE. I AM HOPING THAT THIS IS NOT THE CASE.

4) IN AN EARLIER HEARING ATTENDED BY MR. DAVIS, THE COURT GRANTED A 100 DAY ENLARGEMENT OF TIME IN ORDER TO ALLOW FOR THE FILING OF MOTIONS. TO THE BEST OF MY KNOWLEDGE AND BELIEF, NO MOTIONS WERE FILED DURING THE ADDITIONAL TIME PERIOD.

5) ON MULTIPLE OCCASIONS I HAVE TRIED TO EXPRESS TO MR. DAVIS THE IMPORTANCE OF PROVIDING THE COURT WITH A CLASSIFIED DISCUSSION OF MY PROJECTS LISTED ON THE ATTACHED "INTELLIGENCE PROGRAMS" LIST. AS I ALLUDED TO AT MY PRETRIAL HEARING, THE TOR NETWORK POSES A FORMIDABLE THREAT TO US INTERESTS WHEN UTILIZED BY NAFAIRIOUS ACTORS. DUE TO THE UNIQUE ABILITIES AND FAR REACHING AFFECTS OF ONE OF MY PROJECTS, THE FBI & DEPARTMENT OF JUSTICE WERE FORMALLY

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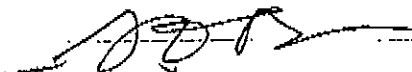
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BRIEFED AND WEIGHED IN ON APPROPRIATE
LIMITATIONS TO BE APPLIED DOMESTICALLY &
OVERSEAS. I WOULD ALSO ARGUE THAT, BASED
UPON MY UNIQUE TRAINING AND EXPERIENCE,
I AM ARGUABLY ONE OF THE TOP INTELLIGENCE
ANALYSTS IN THE COUNTRY.

BASED UPON THE ABOVE, I DO NOT BELIEVE THAT
I AM BEING FAIRLY REPRESENTED. TOO, I FEEL THAT
FEW REMEDIES ARE AVAILABLE AT THIS POINT AS
I HAVE EXHAUSTED ALL OF MY CASH RESERVES,
MAXED MY CREDIT AND SOLD OFF PERSONAL PROPERTY
IN ORDER TO PAY ATTORNEY FEES ASSOCIATED WITH
THIS CASE.

I AM NOTIFYING THE COURT OF THESE ISSUES AND
CONCERNS IN HOPES OF RAISING AWARENESS OF THE
INEFFECTIVE COUNSEL BEING PROVIDED ON AN
ON-GOING BASIS AND AM HOPING TO AVOID ADDITIONAL
DELAYS IN MOVING THIS CASE TO TRIAL.

RESPECTFULLY,


TIM DEGGI

ATTACHMENT: INTELLIGENCE PROGRAMS

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INTELLIGENCE PROGRAMS #1

Program Name	DEVELOPED/ MANAGED BY	TYPE OF INTELLIGENCE	AGENCY COORD. AND/OR USE	Program Classification
NICODEMOUS	DEFOGCI	CYBER, HUMAN, SIGINTS	CIA (CIE & IOG), NSA, NCIX, FBI, DOJ, DOE, NNSA	TOP SECRET SCI (Production) SECRET NOFORN (Development)
SECOND SIGHT	DEFOGCI	CYBER, HUMAN, SIGINTS	NSA, DOE, NNSA, FBI (Some Reporting through R.S.)	SECRET NOFORN
PICASSO	DEFOGCI/CI	HUMAN	CIA, NCIX, DOE, NNSA	SECRET NOFORN
STINGRAY	DEFOGCI/CI	CYBER, HUMAN	DOE, NNSA	SECRET NOFORN
FIRE STORM	DEFOGCI/CI	CYBER, HUMAN	DOE, NNSA	SECRET NOFORN
CARS	NCIX/DEFOGCI	HUMAN	DOE, NNSA, NCIX	SECRET NOFORN/TO SECRET
B.L. (ASBA ONLY) #2	STATE DEPT/DOE & NNSA	HUMAN	STATE DEPT, DOE, NNSA	SECRET NOFORN
R.S. (ASBA ONLY)	FBI/DEFOGCI	CYBER, HUMAN	FBI, DOE, NNSA	SECRET NOFORN
SILVER SPOON	DEFOGCI/CI	CYBER, HUMAN	DOE, NNSA, USIC	SECRET NOFORN
(UNNAMED) #2	DEFOGCI/CIA/ STATE DEPT	HUMAN	STATE DEPT, CIA, USIC	SECRET NOFORN
SEVEN ROCKETS #2	DEFOGCI/OSI	HUMAN	OSI/DOD	SECRET NOFORN
ELIAS #2	DEFOGCI	HUMAN	STATE DEPT, FBI, DHS, USIC	SENSITIVE BUT UNCLASSIFIED

*1 CLASSIFIED BY REFERENCE TO DEFOGCI AND SUPPLEMENTARY OF FILE WITH THE OFFICE OF
INTELLIGENCE AND COORDINATION REFERENCE

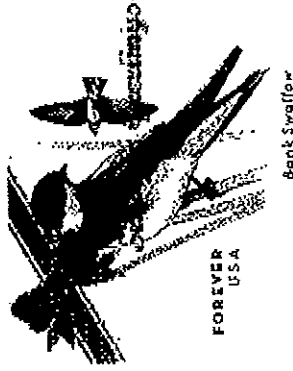
*2 NOT COVERED IN #1 REFERENCE SLIDES

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OMAHA NE 680

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HONORABLE THOMAS D. THALKE
US DISTRICT COURT
111 5, 18TH PLAZA
OMAHA, NE 68102

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